

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

PAGE 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

4:15CV47-BHD-DAS

NORA DUCKSWORTH

Plaintiff

v.

FILED

APR 20 2015
DAVID CREWS CLERK
BY

CASE NO. (1) 0999-62-1288 Deputy

J. BOB - CID INVESTIGATOR IN HIS INDIVIDUAL / CPT. CAROLYN WALKER
IN HER INDIVIDUAL / Defendant CASE MANAGER: J. ROBINSON IN HER INDIVIDUAL
LT. PATRICA JONES IN HER INDIVIDUAL AND WARDEN TIMOTHY MORRIS ALL
ADMINISTRATOR AT MISSISSIPPI DEPARTMENT OF CORRECTIONS

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

B. Name under which sentenced:

C. Inmate identification number:

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

E. Place of confinement:

NORA DUCKSWORTH

NORA DUCKSWORTH

46190

HIGHWAY 49 WEST UNIT 29-C BLDG - BED - 96

PARCHMAN, MS. 38738

MISSISSIPPI STATE PENITENTIARY, PARCHMAN, MS.

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

J. BOB

CID - INVESTIGATOR

P.O. BOX CID - DEPARTMENT

PARCHMAN, MS. 38738

Name:

Mrs CAROLYN WALKER
CPT.

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office, box number, city, state, ZIP)

HIGHWAY 49 - WEST / P.O. Box 1057
PARCHMAN, MS. 38938

Name:

Ms. J. ROBINSON
CASE MANAGER

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

HIGHWAY 49 - WEST - UNIT - 29-G - BUILDING
PARCHMAN, MS. 38938

Name:

Ms PATRICA Jones
L.T.

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

HIGHWAY 49 - WEST - P.O. Box 1057
PARCHMAN, MS. 38938

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? Yes No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s):

/

Defendant(s):

/

B. Court:

C. Docket No.:

/

D. Judge's Name:

E. Date suit filed:

/

F. Date decided:

G. Result (affirmed, reversed, etc.):

/

5. Is there a prisoner grievance procedure or system in the place of your confinement? Yes No

6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). Yes No

7. If you checked "Yes" in Question 6, answer the following questions:

A. Does the grievance system place a limit on the time within which a grievance must be presented? Yes No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed? Yes No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

I. Nora Ducksworth #46190 was written up - OCT. 9 2014- Time-0947-RVR No. 01463581- Rule Violation # C-8- Assultive Action against any Person Resulting in Serious Physical Injury and also Received R.U.R (2) on OCT. 9 2014- Time- 0952- No. 01463582 Rule Violation # C-5- Involvement in Disruptive, Assultive, or Criminal Gang Activity. For an Incident that happen on (SEPT. 2 2014- Concerning an Stabbing) To Inmate Franklin Martin #130650 that i don't know. Mississippi Department of Corrections (M.S.P.) - C.I.O. - Investigation Department Staff (Fail to do Process) and Contrary to their Oath of Office. (Miss Code Ann §47-5-41 and 47-1-27) This Abuses by The Mississippi Department of Corrections (M.S.P.) System is Prohibited by the (8) Eighth And (4) Fourtth Amendments and (6) Six Amendment and (14) Amendment and also

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

Attachment.

ON, January 12, 2015 My (Administrative Remedy Program- (M.S.P. No-14-3006 First Step Response Form For RVR'S - 01463581 and 01463582) was Seen by: Timothy Morris - Warden - Area-1. Mr. Morris Stated: Offender Nora Ducksworth, #46190, Your request to have these, RVR'S - 01463581 and # 01463581 removed from your file. are denied! as you can see the same (Two) Number are the same in, Warden: Timothy Morris Response Form. When This incident happen on, Sept. 2 2014, Warden Timothy Morris, Was not the Warden! (Warden Turner was the Warden over Area-I on Sept. 2 2014, 2 Warden; Timothy Morris, was located) and the Warden at South Mississippi Corrections Institution)

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

 / / / /
 / / / /
 / / / /
 / / / /

9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

On, Oct. 9, 2014. (C.I.D. Investigation Department (M.S.P.) in Parchman, Ms. J. BoBo Stated an investigation was done Concerning a Stabbing that took Place in unit 29-C Building on, Sept. 2 2014 and I written me two RUR's Concerning this Matter on an (Offender Statement) that was written. I Nord Ducksworth # 46/90 was accused of, RUR # No. 01463581-c8 Assultive Action Resulting in Serious Physical Injury, by an organize member of this (Gangster Disciple) That told C.I.D. J. BoBo that i gave him an, (Sharped Instrument) to Stab Offender; Franklin Martin # 130650, and RUR. # No. 01463582-c5 Involve in Criminal Gang Activity- by Providing Material Support to the Gangster Disciple. I don't know, either one of these guys nor ever Assist any (Organize) Called (Gangster Disciple). Then on Oct. 9, 2014- Cpt. Carolyn Walker was the, DELIVERING EMPLOYEE- Time- 12/18 hrs.

ON Oct. 13, 2014. Case Manager Robinson reported and Time- 11/11- But have (A.M) on the RUR's, Working days between date of Violation and hearing, it was (22) day's. Name of Investigator, Case Manager J. Robinson. I say who were the (Investigator) (MR.J. BoBo which is Stated in the Details

AND CIRCUMSTANCES? Now look at it, 9-2-14 Incident. 10-9-14 RUR's Delivering But 10-13-14 - Investigation Completed by a Case Manager J. Robinson that Never been in Law Enforcement to Investigate an CRIMINAL. Then Nov. 11, 2014 I went before LT. Patricia Jones

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I. NORA Ducksworth #46190 asking the Court to have Someone from therer (DEPARTMENT) to Conduce an (INVESTIGATION (#NO 01463581 and #01463582) Cause (MISSISSIPPI DEPARTMENT OF CORRECTIONS)(M.S.P) IS, ABUSING there "POLICIES AND PROCEDURES" AND there AUTHORITY when it comes down to these (Rule VIOLATION REPORT'S) being Written by: STAFF MEMBER'S Here, EMPLOYEE'S At Mississippi Department of Corrections Then have it bad and it just Need to Stop! (25) Years of MY Incarcerating RECORD'S will Show You that this Offender use MY Bed number, cause he Refuse to give up the one in the (ORGANIZE) of the (Gangster Disciple). So C.I.D. Just Ran with it when this organize Member did the Slabbing on Offender (FRANKLIN MARTIN #130650). I'm Not No organize of know kind and The Fasleless being accuse of, Giving Some one to hurt Some. C.I.D. Investigator have put MY Life in Danger do to this (INVOLVEMENT) with this (ORGANIZE) with this (Gangster Disciple's). I just want This (shame) off MY. Thank You!

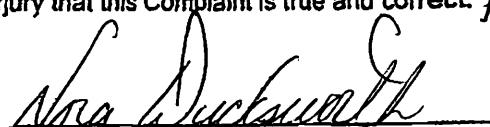
-Just want these RUR'S Removed -

This Complaint was executed at (location):

MISSISSIPPI DEPARTMENT OF CORRECTIONS (M.S.P)

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct. PARCHMAN, MS.

Date: 2-11-15



Plaintiff's Signature

QUESTION 2) ADDING ADDITIONAL DEFENDANTS:

NAME: TIMOTHY MORRIS

TITLE: WARDEN

DEFENDANTS HIGHWAY - 49. WEST
ADDRESS / P.O. BOX P.O. Box 1051
ZIP PARCHMAN, MS. 38738

NAME: FRANKLIN MARTAIN # 130650

TITLE: OFFENDER: Whom Gotten Hurted

ADDRESS: (UNKNOW)

Question-6-Attachment

See Policy-(01-01-01) Standard Operation Procedures. I, Nora Ducksworth #46190 have never been a part of any organization in MY (25 Year's) of imprisonment nor have I been written up for anything concerning any (CRIMINAL GANG ACTIVITY) since MY imprisonment at (MISSISSIPPI DEPARTMENT OF CORRECTIONS)!! Never have I (Assaulted) anyone with any Sharpened Instrument or knife) In These (25 Year's) I don't have an (Rule Violation Reports) on MY (INSTITUTION RECORDS) until now: OCTEMBER 9, 2014 - Now That EMPLOYEE: J. BOBO written Me up for; (In/INMATE WRITTEN STATEMENT) Then gonna States; Accessory to be inolement with (Criminal Gang Activity) of This (Group Called-(GANGSTER DISCIPLE) This offender whom does This (CRIMINAL ACTIVITY) by: Calling MY: Bed Number; Cause he's To Tell. (C.I.D. INVESTIGATOR- J. BOBO) I gave him something to hurt Someone. he was to (Scared) to tell on that Someone in that Group of Guys inside that; (Gangster Disciple's) I don't know this guy And it was wrong. (How I was written up to another offender Statement. The investigation was not, (Conducted) right!

SIGNATURE:

NORA DUCKSWORTH # 46190
 Nora Ducksworth # 46190
 HIGHWAY-49 WEST - M.S.P.
 UNIT-29-C-B-ZONE-BED-96
 PARACHAMPS, MS. 38238

Question - 9 - Attachment

Was the Hearing Officer). I, Nora Ducksworth #46190 was Finding (Guilty) on, No# 01463581 and No 01463582, Based on Statement of Reporting Staff. MY Statement were I did not have nothing to do with this, Incident! but, I Received two RUR'S for an Offender Statement! Then upon my RUR Appeal's Of the first Step MY Appeal's were Denied by: Warden, Timothy Morris - of AREA - I - Jan. 12. 2015.

SIGNATURE:

Nora Ducksworth # 46190
Nora Ducksworth
HIGHWAY-49- WEST- M.S.P.
UNIT-29 -C- B-ZONE- BED- 96
PARCHMAN, MS. 38228

(CM) _____
(CWE) _____
(SMCI) _____
(OTHER) _____1-282-57
No 01463582RULE VIOLATION REPORT(Unit Admin. Initial) M Zone / Tier

Unit

Cell / Bed #

Offender Naomi Wicksmith MDOC# 41110 Violated Rule # C5 EntitledDate 10/11/14 Approx. Time 0922 Hrs.By the specific act of Naomi WicksmithWeapon involved / Yes / No EXACT location of incident Unit 29 C Block**CIRCUMSTANCES AND DETAILS**Reporting Employee's Signature John Title W PIN# / Date 10/11/14 Time 11:30Evidence / Yes / No Located Unit 11 Placed in Segregation - PDA / No Yes- Location Unit 11I request witness(es) / Yes / NoWitness(es) (1) / (2) /

Unless waived, you are hereby notified that a hearing will be held within, no less than, twenty-four (24) hours and no more than (7) working days

ACCUSED Naomi Wicksmith DELIVERING EMPLOYEE John DATE 10-9-14 TIME 11:301. Investigation began within 24 hrs of violation? Yes No 2. Date/Time investigation completed 10/13/14 : (AM PM)

3. If not completed without reasonable delay, explain: _____

4. Name of Investigator Bill J. Harrison5. Working days between date of violation and hearing 22

6. If more than seven (7) working days, explain: _____

Is accused offender in Trusty Status / Yes / No Does accused offender receive Earned Time / Yes / NoName of Persons at Hearing - Accused Naomi Wicksmith Hearing Officer John

Other _____

Accused's response Admit Admit w/ modifications Deny Accused's Statement I did not do anything to do with that, the other guy justDocuments read and discussed RVR Investigation Witness Statements Other _____FINDINGS: Guilty Not Guilty Reason for Findings: Based on statement of RVRPUNISHMENT: 3 days loss of contemplative privilegesReason (s) Seriousness of offense The need to protect the institution, employees or others Poor conduct record

Other _____

A total of 0 Rule Violations in 10. A total of 0 Rule Violations for Rule #Signature: Patricia J. Harrison Date: _____

Hearing Officer _____

Appeal may be filed within 15 days with Legal Claims Adjudicator, c/o ARP, P.O. Box 609, Parchman, MS. 38738, after receipt of the Disciplinary decision.

Offender Signature: Naomi Wicksmith Date: 11/11/14

Signature of Reviewing Superintendent/Warden/CSD/Designee: _____ Date: _____

Custody Reduction to Date SignatureDue to guilty finding on the RVR, offender is ineligible to continue to receive Trusty Earned Time/ Remove from Trusty Status/ Trusty Earned Time effective SignatureLoss of Earned Time Approved Disapproved _____

Commissioner of Corrections or Designee _____

Original with All Attachments - Records 1st Copy - Offender 2nd Copy - Working File 3rd Copy - Reporting Employee

Revised FEB 2014

MSP-14-3006
FIRST STEP RESPONSE FORM
For RVRs

You must return your response to the Legal Claims Adjudicator **within 30 days** of the date the request was initiated.

Offenders' Name and #: **Nora Ducksworth, #46190**
Unit: **29-L**

1st Step Respondent: Timothy Morris
Title: Warden - Area I

Offender Nora Ducksworth, #46190, your request to have these RVR's #01463581 and #01463581 removed from your file are denied.

Wardbury Morris

Signature

1-12 days

Date

The above named inmate has fulfilled the requirements of the Administrative Remedy Program for an RVR appeal and is eligible to seek judicial review within 30 days of receipt of this First Step Response.

Nora Ducksworth 4019D
Inmate's Signature DOC #

Inmate's Signature

DOC #

1-17-15

Date

Mississippi
Holly Springs MS 38635



US POSTAGE

\$02.03

03/11/2015

FIRST CLASS MAIL

ZIP 38635

011D11634505

RECEIVED

MAR 16 2015

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

United States Northern District
301 M. Commerce Street #13
Chardens MS. 38630

FIRST-CLASS MAIL

Hasler

04/15/2015

US POSTAGE

MECF D5
833 Main Street
Holly Springs Ms. 38635



ZIP 38635
011D11634506

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APR 20 2015
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

Athens Ms. 37730

397309999999